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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,057	09/13/2000	Akira Ohtani	Q60771	7619

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EXAMINER

CHOWDHURY, TARIFUR RASHID

ART UNIT PAPER NUMBER

2871

DATE MAILED: 07/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,057

Applicant(s)

OHTANI ET AL.

Examiner

Tarifur R Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

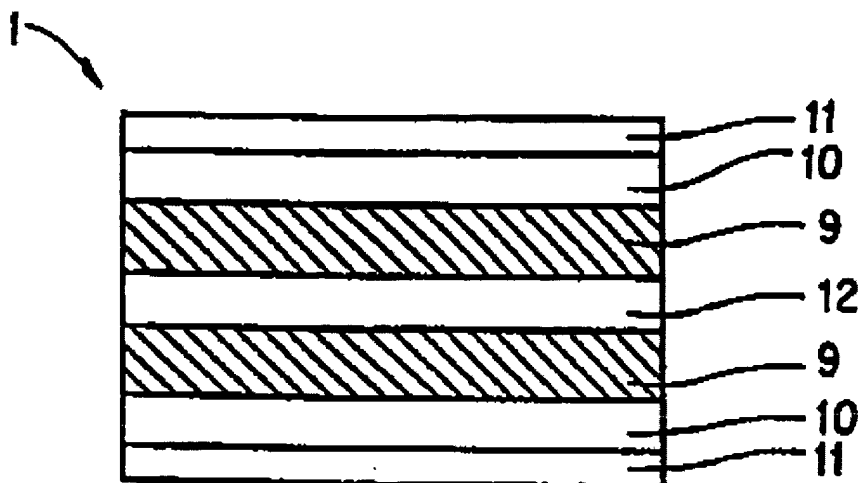
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinata et al. (Hinata), USPAT 5,687,465 in view of Khan et al., (Khan), WO 97/39380.**

4. Hinata discloses and shows a liquid crystal cell substrate comprising a polycarbonate film supporting substrate (9) (applicant's resin substrate) and, closely adhered thereon, a gas barrier layer (10), a resin hard coat layer (11) and a polarizing layer (12) (Fig. 11, col. 5, lines 33-38).

**FIG.11**

Hinata does not explicitly disclose that the resin hard coat layer is crosslinked.

However, it is known in the art that a crosslinked resin layer provides better mechanical strength and has excellent heat resistance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the resin layer of Hinata with a crosslinked resin layer since it will have the advantage of better mechanical strength and excellent heat resistance.

Hinata further differs from the claimed invention because he does not disclose that the polarizing layer comprising a coating such as a lyotropic substance containing a dichroic dye or a dichroic dye having lyotropic liquid crystallinity or a liquid crystal polymer layer containing a dichroic dye.

Khan discloses a liquid crystal display with polarizing layer wherein the polarizing layer comprises a coating. Khan further discloses that a polarizing coating formed from

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a lyotropic liquid crystalline composition based on dichroic dyes provide high thermal and light stability (page 6, lines 13-21).

Khan is evidence that ordinary workers in the art of liquid crystal would find a reason, suggestion or motivation of using a polarizing layer comprising a coating such as a lyotropic substance containing a dichroic dye.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the polarizing layer of Hinata such that the polarizing layer comprising a coating of lyotropic substance containing a dichroic dye so that the polarizing layer will have the advantage of high thermal and light stability.

Hinata still differs from the claimed invention because he does not explicitly disclose the thickness of the polarizing layer being 5 μm or less and that the substrate is obtained by flow casting.

It is common and desirable practice in the art of liquid crystal to obtain a device that is lightweight and thin. Further, typical thickness for a polarizing layer is in the range of 5 to 80 μm (overlaps the claimed range at 5 μm) but is not limited thereto.

Further, as to forming the substrate by flow casting, it is common and known in the art to form a substrate by any suitable methods such as a casting molding method, a flow casting method, an injection molding method, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a thickness of about 5 to 80 μm for the polarizing layer to obtain a thin and light weight device and form the substrate by a flow casting method to avail a proven technology.

Accordingly, claims 3 and 5 would have been obvious.

Note: Regarding claim 3, applicant is claiming the product (a device) including a method (i.e. a process) of making the substrate. Therefore, claim 3 is considered as "product-by-process" claim. In spite of the fact that a product-by-process claim may recite only process limitations, it is the product, which is covered by the claim and not the recited process. Further, patentability of a claim to a product does not rest merely on a difference in the method by which the product is made. Rather, it the product itself which must be new and unobvious.

As to claim 7, Hinata shows in Figure 11, that the polarizing layer (12) is in contact with one side of the supporting substrate (9) (applicant's resin substrate).

5. Claims 2, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinata in view of Khan as applied to claims 3, 5 and 7 above and further in view of ""HDBU" (High Density Build Up) Organic Package Technology that is first in the industry to employ "Laser via" method" by Kyocera Corporation, February 15, 1999 (Document A).

6. As to claims 2 and 6, Yoshida does not explicitly disclose that the resin substrate comprises a thermosetting epoxy resin.

Document A discloses the use of a substrate comprising thermosetting epoxy resin. Document A further discloses that thermosetting resin provides superior reliability (page 2).

Document A is evidence that ordinary workers in the art would find a reason, suggestion or motivation of using a substrate comprising thermosetting epoxy resin.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the resin substrate of Hinata with a substrate that comprises thermosetting epoxy resin in order to obtain a substrate that provides superior reliability.

As to claim 8, Hinata shows in Figure 11, that the polarizing layer (12) is in contact with one side of the supporting substrate (9) (applicant's resin substrate).

Response to Arguments

7. Applicant's arguments filed on 05/15/2002 have been fully considered but they are not persuasive.

In response to applicant's argument that the totaling thickness of the polarizing layer of Hinata is about 160 μm to 230 μm compare to the polarizing layer of the present invention that has a thickness of 5 μm or less, it is respectfully pointed out to applicant that Hinata is silent about the totaling thickness of the polarizing layer. Further, for the sake of argument Hinata does not preclude the use of a polarizing layer that has a thickness of 5 μm or less. Further, for applicant's convenience the examiner is citing USPAT 6,208,397 (col. 3, lines 14-25), which clearly discloses that the typical thickness of a polarizing layer is between 5 to 80 μm , but not limited thereto. It should also be noted the polarizer used in Hinata and USPAT 6,208,397 are made of a same material.

Further, for applicant's convenience applicant's attention is also directed to USPAT 6,208,397 which discloses that any suitable method such as flow casting method, casting molding method is generally used to form a resin substrate.

In response to applicant's argument that Khan fails to disclose a substrate that is obtained by a flow casting method and including a gas barrier layer and a crosslinked resin layer, it is respectfully pointed out to applicant that Khan was used to find a teaching for using a polarizing layer comprising a coating layer not for a teaching of using a substrate that is made of a flow casting method and comprising a gas barrier layer and a crosslinked resin layer, which was taught by the primary reference Hinata.

Therefore, the rejection was proper and thus maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarifur R Chowdhury whose telephone number is (703)


308-4115. The examiner can normally be reached on M-Th (6:30-5:00) Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L Sikes can be reached on (703) 305-4842. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

TRC
July 16, 2002


William L. Sikes
Supervisory Patent Examiner
Technology Center 2800
